

FEDERAL MARITIME COMMISSION

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PUBLIC HEARING ON

PETITION NO. P4-16

PETITION OF THE COALITION FOR  
FAIR PORT PRACTICES FOR RULEMAKING

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WEDNESDAY, JANUARY 17, 2018

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The meeting of the Federal Maritime  
Commission convened in the First Floor Hearing  
Room, 800 North Capitol Street, N.W., Washington,  
D.C., pursuant to notice at 10:00 a.m., Michael A.  
Khouri, Acting Chairman, presiding.

COMMISSIONERS PRESENT:

MICHAEL A. KHOURI, Acting Chairman

REBECCA F. DYE, Commissioner

DANIEL B. MAFFEI, Commissioner

COMMISSION COUNSEL PRESENT:

ROBERT BLAIR, Counsel to  
Commissioner Dye

JOHN A. MORAN, Counsel to  
Commissioner Khouri

CAROLL P. HAND, Counsel to  
Commissioner Maffei

1 STAFF PRESENT:

2 RACHEL E. DICKON, Assistant Secretary

3 OTHER PARTICIPANTS:

4 Panel 1: Drayage Panel

5 THOMAS J. ADAMSKI  
6 Representing the New Jersey Motor Truck  
Association

7 Panel 2: Ocean Carrier Panel

8 RICHARD J. CRAIG  
9 President and Chief Executive Officer  
Mitsui O.S.K. Lines (America), Inc.

10 PAOLO MAGNANI  
11 Executive Vice President for Quality Control  
and Marketing  
12 Mediterranean Shipping Company USA

13 HOWARD FINKEL  
14 Executive Vice President  
COSCO Shipping Lines (North America), Inc.

15 JOHN BUTLER, ESQUIRE  
16 President and Chief Executive Officer  
World Shipping Council

17 Panel 3: Ports and Terminals Panel

18 EDWARD DeNIKE  
19 President  
SSA Containers

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1 JOHN E. CROWLEY, JR.  
Executive Director  
2 National Association of Waterfront Employers

3 JOHN ATKINS  
President  
4 GCT Bayonne LP

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1 P R O C E E D I N G S

2 CHAIRMAN KHOURI: Good morning. Day 2  
3 of hearings on our Petition for Rulemaking as  
4 submitted by the Coalition for Fair Port  
5 Practices. There are no more opening statements  
6 unless Commissioner Maffei, you have anything you  
7 want to start to kick off?

8 COMMISSIONER MAFFEI: No, I just thought  
9 that yesterday was very good and productive, and I  
10 look forward to another productive day and glad  
11 everybody got here despite the "weather."

12 CHAIRMAN KHOURI: So, we have a short  
13 panel today to start off with, and then we get  
14 into carriers and marine terminal operators. So,  
15 Madam Secretary, you want to lead us forward?

16 MS. DICKON: Thank you. Good morning,  
17 Mr. Chairman, Commissioners. Just a few  
18 housekeeping points before we begin. You notice  
19 on the screen we have the Wi-Fi network and  
20 passcode. If you'd like to sign into that you'll  
21 need to enter the Wi-Fi Network Name manually, and  
22 select security level WPA2. I hope you're able to

1       see that on the screen.

2               Next, each witness, for those of you new  
3       here today, you'll have five minutes on the clock.  
4       The clock will turn red when you've exceeded the  
5       five; and also, when not speaking, please be sure  
6       to turn off your microphones.

7               Our first Panel today, Mr. Chairman, we  
8       have Tom Adamski.

9               MR. ADAMSKI: Good morning, again.  
10       Thank you for giving me the opportunity to sit  
11       before you and present what we hopefully can share  
12       with you as to what we participate in every day,  
13       even more uniquely than probably everyone knows.  
14       With the advent of the big vessels, I don't think  
15       it's any big secret that changed the dynamics from  
16       when Malcolm McLean started off with the first 48  
17       footers and got to the big 35s and all the other  
18       good stuff that's attached to it. I don't need to  
19       elaborate on that; and I think the other thing  
20       that has caused a dramatic change also is in 2008  
21       when many of our steamship line friends elected  
22       not to be in the chassis business anymore, thus

1       creating even more of a complete change as to  
2       what, how, where, and why we're doing things and  
3       how we go about doing it.

4               And I think, just for oral argument  
5       purposes, it comes out to, you know, basically,  
6       very, very simple things. It comes out to what it  
7       cost to do a move vis-a-vis what it did cost to do  
8       a move, and all the other good stuff; and I think  
9       what we'll end up having to sit down and  
10      understand -- and I think it has to be put into  
11      some perspective -- where we are using door moves  
12      -- which I'm sure everybody is familiar is where  
13      the steamship line bundles up everything and takes  
14      care of the taxicab to get the driver out of the  
15      line and all that good stuff -- I'm being  
16      facetious to say the least -- but the point being  
17      I think it's imperative that those that are  
18      participating in the door moves, specifically the  
19      trucking companies that have to participate with  
20      the clients that have this tariff filed with you  
21      people, that they be included -- the truck of  
22      record that is decided by the BCO and/or the

1 steamship line, whoever -- as an addendum and an  
2 attachment to access the information that's in  
3 that tariff, because singularly, if a truckman is  
4 designated to be, if you would, the truckman of  
5 record, he, in fact, has no access to that and  
6 really doesn't understand quite, in fact, what the  
7 rules are; and what I'm saying about the rules, it  
8 all comes down to arithmetic. It comes out to  
9 dollars and cents with the chassis supplied, the  
10 free time that's involved the demurrage is  
11 whether, in fact, they fall into extended  
12 demurrage times and/or extended free times with  
13 the chassis.

14           This presents a problem when there is a  
15 problem. If everything is silky smooth,  
16 everything is whip cream, it's the best sandwich  
17 that you've ever had; but when it gets into  
18 ugliness that's when it gets into being a problem;  
19 and I think, without question, there is no reason  
20 for the BCO and the steamship line not to provide  
21 the truckman of record that was designated by the  
22 BCO and/or the steamship line access to that

1 information that he is going to be involved in --  
2 and I'll give you some reasonable examples of it.

3 Those times when the steamship lines are  
4 involved, they, in fact, will provide a chassis --  
5 and as we know, when they exited the chassis  
6 business, it sort of -- they're exiting and  
7 they're not exiting, and they're somewhere in the  
8 middle of this -- and that's a big issue; because  
9 quite frankly when they have the chassis that  
10 they've provided to and it has been in our trade  
11 journals some good submissions by the folks that  
12 were directly involved as to what the transactions  
13 were that took place. These transactions involved  
14 purchases, but not purchases that were direct  
15 disbursements. These were taken in credit  
16 procedures for x-amount of time, with x-amount of  
17 dollars allotted. So, just for argument sake,  
18 let's say you have a deal where you're using  
19 chassis and you're saying you can only use those  
20 chassis from one specific IEP, and that's IEPA.  
21 IEPA has a deal with the steamship line that  
22 provides, just for argument sake, \$5 a day for the



1 chassis. However, the chassis provided, the IEP  
2 says, geez, we've got to provide 50 chassis for  
3 this particular move for this BCO; we don't have  
4 them necessarily in order for the truckman to take  
5 them. They're in inventory but they're not in  
6 roadable order, and the truckman determines that  
7 -- there are no chassis available; you'll have to  
8 use another chassis.

9 Now, just for argument sake, if I was an  
10 IEP -- and me being greedy -- why would I want to  
11 allow \$5 a day when I can get \$25 a day, or if you  
12 would, \$24.95 -- that drives me nuts; this isn't  
13 Walmart where we're getting chassis from. I mean  
14 25 bucks a day, and give you the chassis for 5.  
15 But I'm saying that doesn't happen and they don't  
16 do that; but logic tells me that maybe that  
17 possibility exist.

18 You then get the truckman to go in at 6  
19 o'clock in the morning when no one's usually up  
20 and you say there are no roadable chassis to pick  
21 up, so I have to get someone else because no one  
22 wants to pay for truck ordered not used; the boxes

1 going into demurrage that day -- and there's no  
2 reason for it not to be because they have records  
3 that will be generated by 9 o'clock that morning,  
4 that suggest there were -- and, in fact, there  
5 weren't -- so then you pick up the load to drop it  
6 and all the other good stuff that's attached to  
7 it. You get to see why the big BCOs use multiple  
8 trucking companies to drop and pick. The truckman  
9 may have the chassis for a whole hour or two,  
10 drops it, it becomes the possession of the BCO at  
11 the facility with an agreement with the steamship  
12 line for the amount of free time. There may be  
13 five truckmen that, in fact, are taking containers  
14 to that facility. Now, you have to pick up an  
15 empty because that's your agreement -- drop the  
16 load and pick up an empty. You pick up an empty;  
17 it's got a chassis under it, a box; you go  
18 terminate it; that's the part of your  
19 responsibility. However, the provider of the  
20 chassis if it wasn't the chassis that, in fact,  
21 was submitted as a chassis to be used on that  
22 particular movement doesn't recognize that, so

1       they want to build you at \$25 a day, on, and on,  
2       and on for whatever period at a time.

3               The BCO ends up keeping the box out  
4       there for 30 days, for argument sake, and has that  
5       agreement if you work with the steamship line.  
6       All of a sudden you handled a chassis for one  
7       move, one hour, and you're getting your bill from  
8       our best friends for roughly \$6- or \$700. You  
9       don't even have to be a Polish guy like me. Just  
10      sit there and understand that's poor economics; it  
11      doesn't work, and you get into debates on it. In  
12      fact, requires that they who are the players, in  
13      fact, have access to that -- that's a big issue.

14             Now, with the big ships and all the good  
15      stuff -- I'm talking about New York, but I've  
16      gotten phone calls because, quite frankly, with  
17      what I do I hear from people up and down the  
18      coast. We're not unique in New York with big  
19      vessels coming in. There's a question as to  
20      adherence to some schedule on ETAs, and all this  
21      other good stuff, on arrivals. It seems to me --  
22      and I've been watching this kind of closely

1       because I do get involved in it pretty much  
2       intimately on a day-to-day basis. Just for  
3       argument sake, ships are scheduled with an ETA for  
4       February 1st. The arrivals may be February 5th;  
5       the arrivals may be February 10th, they'll have  
6       those kinds of variables; but then the bunching  
7       comes up. Now you have five trucks to do the work  
8       that was coming in supposedly on February 1st but  
9       now on February 5th you've got three other ships  
10      because another one was -- not early, they're very  
11      seldom if ever early -- maybe coming in from the  
12      week before and you've got a bunching issue where  
13      you don't have, say 25 boxes to move, you've got  
14      75 that's got to come off in four free days.  
15      That's becoming a problem.

16               I think what, in fact, has to be put in  
17      place -- and I don't know how it does, but  
18      somewhere in line it's got to be talked about --  
19      there has to be adherence to ETA; so that, in  
20      fact, the people who are doing the warehousing has  
21      a grasp as to what this is and all this other good  
22      stuff.

1                   So, how do you do all this stuff; and I  
2           know you're having public hearings and I'm glad  
3           that you're doing it; and I think it's important  
4           that you do that; but I think one of the most  
5           important things is everybody adheres to rules  
6           that's why we have red lights, green lights, and  
7           yellow lights; however, everybody knows what  
8           that's supposed to be, but if there are no cops,  
9           people will abuse it; and if they know there are  
10          none around, they may abuse it even more. Point  
11          being, somewhere along the line we have to have  
12          the laws, or rules -- I shouldn't say laws --  
13          rules that are in place where a conglomerate of  
14          folks that are involved in the industry sit down  
15          and participate, and advise you folks who are the  
16          cops -- you're the guys that call the shots.

17                   MS. DICKON: Excuse me, Mr. Chairman,  
18          we're at 10 minutes. I just want you to know.

19                   MR. ADAMSKI: What do I got -- two more  
20          minutes?

21                   CHAIRMAN KHOURI: If you could wrap it  
22          up.

1                   MR. ADAMSKI: Okay. Somewhere along the  
2 line we have to have where, in fact, when you hit  
3 the hammer down there's adherence to it, but there  
4 are rules that are specific.

5                   One other thing I want to just bring  
6 out. New Jersey Motor Truck has been around 103  
7 or 104 years and he suggest that I was there at  
8 the opening, I wasn't; it was a few years after  
9 that. Be that as it may, I've been here since day  
10 one when they still had Bogies, and  
11 Moore-McCormick Lines, and American Isthmus --  
12 it's all this other good stuff -- the point that  
13 I'm trying to bring out, we had participation,  
14 especially in the Port of New York with a lot of  
15 American flags. Right now, there are no American  
16 flags other than the one guy that has a truck  
17 outside of PNCT that sells Philly Cheesesteaks.  
18 We have no terminal operators that have U.S.  
19 Interests other than they have foreign ownership.  
20 We have all the steamship lines that have foreign  
21 ownership. Now, with all due respect -- and there  
22 are friends, they come from every continent, we

1       respect them with all due respect for everything  
2       -- however, what comes and becomes prevalent  
3       without question is the pictures of the dead  
4       American presidents that make many, many  
5       decisions.

6               When we, in fact, have problems -- at  
7       Port of New York -- most densely populated state  
8       in the Union, and at Exit 14, 14A, 13A, you have  
9       probably the biggest transportation between the  
10      hours of 5 in the morning, and 9 in the morning;  
11      and then again 3 in the afternoon until 6,  
12      condensation of everybody you could possibility  
13      think of that comes there to participate -- we are  
14      open in those particular times. There is no one  
15      that's either in Switzerland, or in Tokyo, or  
16      anywhere that much cares that there's a problem at  
17      Exit 14A that was compounded because we didn't  
18      have adherence to rules that are in place that  
19      everyone has to adhere to -- big issue.

20             Other issue -- one more and then I'm  
21      going let you throw whatever grenades you want at  
22      me; but, anyway, one other issue. We have without

1 question a UIIA which is the Uniform Intermodal  
2 Interchange Agreement. That, in fact, regulates  
3 for all intents and purposes rules that the  
4 steamship line should be playing by. For some  
5 reason or another, when a truckman is designated  
6 by the BCO and the steamship line to be the  
7 truckman of record on the door move, by extension,  
8 even though the IEPs don't belong to the UIIA,  
9 he's designating what chassis should be provided  
10 that falls underneath the jurisdiction of the  
11 UIIA, and that I've gone into debate on. A lot of  
12 people say well, there should be exclusions.  
13 There are none that are sitting there. So, what  
14 I'm saying is people are sort of making up their  
15 own rules when they want to. We've got another  
16 word that is used constantly with chassis being  
17 supplied and dropped in wrong places -- it's a  
18 word called migration.

19 I remember the Swallows of Capistrano --  
20 that's the migration I knew. Those are  
21 repositioning charges. Nobody's bashful about  
22 charging the truckman when you do something where



1       it is; but when a truckman now -- am I'm sure you  
2       heard this yesterday because I was talking about  
3       at length about what is happening when you've got  
4       to pick up one chassis for one box, another  
5       chassis for another one; then you get a regular  
6       merchant haulage mover; you can use your own  
7       chassis and afford to the customer a reasonable  
8       number; that all has to be put into some  
9       perspective and rules set that everyone is in  
10      agreement with, with every asterisk that you can  
11      think of.

12               CHAIRMAN KHOURI: Thank you sir, we're  
13      going to have to move on.

14               MR. ADAMSKI: I'm ready whenever you may  
15      have to.

16               CHAIRMAN KHOURI: You certainly covered  
17      a lot of territory. The material presented before  
18      the hearing said that you were going to discuss an  
19      issue of, that in truth, you only have 32 hours  
20      with which to get a container off of a terminal  
21      facility. Could you, within a reasonable period  
22      of time, discuss that particular issue, solely?

1                   MR. ADAMSKI: Yes. Specifically,  
2       everyone knows you have the four days free time,  
3       and all that good stuff. It's either 32 or 40  
4       hours, depending what terminal you go to, it might  
5       be 44 hours or 48 hours; but for the most part,  
6       it's right around the 32 to 40 hour free time in  
7       order to pick up a box. Now, let me just give you  
8       an example; it's just plain arithmetic. Let's say  
9       you have a ship that comes in, it has 10,000  
10      containers -- just for argument sake. The first  
11      day, and just for argument sake again, let's go on  
12      the assumption that the terminal that it came into  
13      can provide you a truck movement of 3,000  
14      containers per day. That's 12,000, 10,000 should  
15      be with whip cream. However, the paperwork and  
16      all the other good stuff that's involved, they  
17      only pick up a 1,000 the first day; the second  
18      day, they come in and they pick up 1500, so we  
19      have 2500. So, now we have 7500 left to  
20      discharge, rather to deliver in two days and the  
21      maximum that the facility can do is 3,000 an hour  
22      -- 3,000 a day, I should say -- that makes 6,000,

1       so you've got 1500 in limbo. So, what do we do  
2       with them? Just say, okay, you couldn't get your  
3       paperwork in order and your ETA is -- just because  
4       they've been somewhat convoluted, and all the  
5       other good stuff that I attached to that before --  
6       you're in deep do-do; you're going to end up  
7       having to pay because there's only so much that we  
8       can accommodate.

9               Somewhere along the line there has to be  
10       an equation. Some quantum mathematics that can  
11       evolve and come out with what the anticipated  
12       discharge is as far as volume is concerned. What  
13       the characteristic of the terminal -- some  
14       terminals are bigger, some are smaller -- so that,  
15       in fact, that can be shared with how, in fact, you  
16       come up with the conclusion of the four free days.  
17       Maybe, hell -- excuse me, I shouldn't say that --  
18       but maybe you should say that in two free days --  
19       but I'm being facetious in that regard too -- you  
20       have to come up with finite rules that accommodate  
21       these magnificent vessels that they're bringing  
22       in; but they also bring in a host of regulatory

1 practices that have to be put in place; and that's  
2 where I am.

3 CHAIRMAN KHOURI: Thank you; and I do  
4 want to comment that Bill Shea with Direct Chassis  
5 Link was supposed to be on this Panel as well  
6 today so that there would be the balance --

7 MR. ADAMSKI: Right.

8 CHAIRMAN KHOURI: -- over on the chassis  
9 side; and, unfortunately, he had a personal  
10 situation where he couldn't be here. I'm going to  
11 turn to my right and see -- Commissioner Dye,  
12 questions that you may have.

13 COMMISSIONER DYE: Thank you. Thank you  
14 for your testimony.

15 MR. ADAMSKI: Okay.

16 COMMISSIONER DYE: Do you support the  
17 Petition that's before us today; did you have a  
18 chance to review it?

19 MR. ADAMSKI: Yeah, without question.

20 COMMISSIONER DYE: Good.

21 MR. ADAMSKI: What we're doing here  
22 today, I think you should do it probably once

1 every six months; but somewhere where it's warmer  
2 and not snowing. We drove from Jersey -- but I'll  
3 leave that alone -- that was a dance.

4 COMMISSIONER DYE: We agree.

5 MR. ADAMSKI: But I think you need,  
6 without question, the input of representatives of  
7 all the participating players that are involved  
8 here -- I mean totally; and you need to sit there  
9 and say, okay, this is a real world. Now, for us  
10 to suggest, for what it's worth, that this will  
11 straighten itself out, it's going through too much  
12 of a convolution right now with the different size  
13 vessels. All of a sudden we heard that a couple  
14 of the big players are saying we're not going to  
15 build any bigger ones; we're going to sort of  
16 watch what's going on. Then I'm hearing some  
17 other stories that because we don't have the  
18 ability with the cranes to go over if you pulled  
19 in on the port side, or the starboard side, all  
20 that other good stuff, turn your ship around and  
21 go somewhere else. There's also -- it's a tap  
22 dance that's going on in that regard.

1                   I think everyone of us has to be  
2           cognizant of what's going on so that we can make  
3           the appropriate adjustments, if you would, to  
4           facilitate the jobs and the customer's needs for  
5           everyone. This industry supplies loads of guys.  
6           We're New Jersey Motor Truck. We have between 4-  
7           and 500 members; but there are 50,000 people that  
8           sit there and depend on whether they can get a  
9           meatball sandwich tonight because of this  
10          industry. It's important -- and I'm not saying  
11          the meatballs are imported; I'll leave it at that.  
12          But the point being is that there are a lot of  
13          people that depend on us making, if you would,  
14          making prudent decisions from the input that comes  
15          from all the players. You guys are the chiefs,  
16          call the shots, and make it work.

17                   COMMISSIONER DYE: Thank you.

18                   MR. ADAMSKI: Okay.

19                   CHAIRMAN KHOURI: Commissioner Maffei.

20                   COMMISSIONER MAFFEI: Sir, we went from  
21          pepperoni yesterday to meatballs today. So, we're  
22          setting ourselves up well for eventually lunch.

1       So, Mr. Adamski, thank you very much for coming  
2       down today. It's not an easy drive; and you've  
3       certainly convinced everybody in this room who's  
4       not in the trucking business that they should be  
5       glad that they're not in the trucking business;  
6       so, I appreciate that.

7               I'm going to ask something a little bit  
8       off topic, but something I'm very interested in --  
9       in particularly with New York and New Jersey. How  
10      much of the issues you face are really due to the  
11      fact that there's just a lack of a sufficient  
12      infrastructure for these big ships; and I say that  
13      fully in the knowledge over the port that you  
14      operate in has done tremendous things in a very  
15      short time. I've been up there. They've built  
16      truck ramps over highways; everything from that to  
17      raising the Bayonne Bridge; I mean, but is a lot  
18      of this still a lack of sufficient infrastructure  
19      to really get the containers out in that sort of  
20      whip cream manner that you've been talking about?

21              MR. ADAMSKI: You know, you sit down, if  
22      you would, we just talked about the 32 to 48-hour

1 window for that 4-day period. Now, in fact, our  
2 competitors, friends -- they're not relatives, but  
3 there are probably some -- the rail gives you  
4 access to intermodal cargo, if you want, that was  
5 discharged in a different port, at a facility  
6 other than those that are inside the terminal,  
7 24/7. Now, I've heard and I've listened to; and I  
8 sympathize with what has been said, but who the  
9 hell is going to pay for it; and they're right.  
10 My feelings are that we shouldn't extend hours on  
11 the tail end; we should extend hours at the  
12 beginning when there's less traffic and less  
13 impact on the traffic that's there; in other  
14 words, beginning shifts. I brought this out  
15 numerous times; but, in fact -- just put  
16 somethings in perspective. The industry is  
17 changing. The volumes are coming in condensed,  
18 and the terminal operators are probably pulling  
19 their hair out to get this thing all effectively  
20 delivered in an efficient manner; and, I think, if  
21 you can't sit down and put together what I said  
22 before with the volume of discharge, and then take



1 a look at what, in fact, you're offering and not  
2 look at some sort of method of extending hours,  
3 and you take a look at it.

4 Here's Dunkin Donuts for all intents and  
5 purposes open 168 hours a week. Now, why in God's  
6 name would they open up 40 hours a week, if you  
7 would, and still have to pay the rent; have to pay  
8 the insurance; have to pay the guy to clean the  
9 place; and all the other good stuff? Right now,  
10 with the one shift that you have in place, that  
11 pays for the rent, the electricity, the storage,  
12 the taxes, the overhead of the people that are  
13 there because some people you have to pay with  
14 security and maintenance, and whatever else, 24/7.  
15 So, if you were to increase the volume of time  
16 that you're making cargo available, ala the 4-free  
17 days, and make them actually 4 days, not 32 hours  
18 or 48 hours, or whatever that equation comes out  
19 to. If you were able to do that and say okay, my  
20 direct expense for that is actually the salaries  
21 that I have to pay the people that are going to  
22 have to man it; and probably a good portion of

1       them are already paid for with the first shift  
2       that has at this point in time embraced it all.  
3       And if that equation -- because all you're doing  
4       is adding labor, the machines are there. You're  
5       not going to buy a whole bunch of new machines  
6       because when they're parked after the first shift,  
7       they're taking up space for parking space for all  
8       intents and purpose. If you utilize and maximize  
9       that asset, making the availability to the cargo  
10      -- the trucks don't work, if you would, 7 to 5, 8  
11      to 5 or 9 to 5; they work pretty much 24/7, and  
12      all the other good stuff.

13               One of the other things that has popped  
14      up are ELDs. I don't have a real problem with  
15      ELDs; it's a safety factor without question. But  
16      the ELDs document without question with a GPS  
17      where the truck is, how long it is, and the whole  
18      bit. And an example, just for argument sake, if  
19      you were going from lovely Port Newark, Port  
20      Elizabeth, or Bayonne, or Staten Island, whatever  
21      the case may be; and just for argument sake,  
22      you're going out to Harrisburg -- it's 186 miles

1       -- and you were dropping a container and picking  
2       it up. For all intents and purposes on the  
3       predicate that the truck is adhering to all rules  
4       as far as 55 miles an hour, he's there in less  
5       than 4 hours, drops and picks, comes back; he's  
6       honoring his 11- hour requirement with the ELD if  
7       he can get in and out and all this other good  
8       stuff; but you can't because there is -- and  
9       understanding, if you're going to do -- you know,  
10      one terminal has 3,000 capacity for the trucks  
11      that's -- you know, if you're going to do the 8  
12      hours or the 10 hours, whatever you want to do,  
13      that's 300 an hour -- you've got to understand  
14      that there's going to be a line -- so, anyway.

15               COMMISSIONER MAFFEI: Okay; so, it's not  
16      so much the physical infrastructures that we're  
17      not utilizing it enough hours in a 24-hour day?

18               MR. ADAMSKI: Right.

19               COMMISSIONER MAFFEI: Okay, thank you  
20      Mr. Chairman.

21               CHAIRMAN KHOURI: Thank you. As I've  
22      heard these comments yesterday and today, I do

1       want to just make the observation, if I may. I  
2       was reading a case that the Commission ruled on  
3       unanimously on the issue of congestion, and they  
4       were talking about all of the new larger ships  
5       coming in and inadequate dock, inadequate  
6       trucking, etc.; and as I was reading it I couldn't  
7       help but smile because it was the Commission  
8       speaking in 1948.

9               MR. ADAMSKI: You've got a point,  
10       without question, and now --

11              CHAIRMAN KHOURI: No; my point is this  
12       has been a universal issue and it seems like we do  
13       continually find efficiencies, and whatnot, that  
14       work through these issues. So, we do appreciate  
15       you coming in. It's an issue that we're going to  
16       continue to struggle with. Again, sorry we  
17       couldn't have the chassis perspective today. Do  
18       you have any other questions?

19              COMMISSIONER DYE: No; thank you very  
20       much; we appreciate it.

21              CHAIRMAN KHOURI: Thank you so much, we  
22       appreciate it; and we can stay on schedule now for

1       our next panel to move on. Thank you, Mr.  
2       Adamski.

3               MR. ADAMSKI: Thank you for your time.

4               MS. DICKON: Mr. Chairman, do you want  
5       to move ahead now, or 11, as scheduled?

6               CHAIRMAN KHOURI: Yes, I'd say, can we  
7       move ahead.

8               MS. DICKON: Okay. We just need a few  
9       minutes.

10              CHAIRMAN KHOURI: Everyone is here, are  
11      they not -- for our next panel?

12              MS. DICKON: I believe so.

13              CHAIRMAN KHOURI: Yes; please.

14              COMMISSIONER MAFFEI: Okay, I'll run to  
15      the restroom.

16              CHAIRMAN KHOURI: You want to do 10  
17      minutes for a quick? We'll do 10 minutes. Go  
18      ahead.